

IN THE
Supreme Court of the United States

OCTOBER TERM 1971

No. 70-40

MARY DOE, *et al.*,

*Appellants*¹

—against—

ARTHUR K. BOLTON, as Attorney General of the State of Georgia; LEWIS R. SLATON, as District Attorney of Fulton County, Georgia; and HERBERT T. JENKINS, as Chief of Police of the City of Atlanta, Georgia,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

No. 70-18

JANE ROE, JOHN DOE, and MARY DOE,

Appellants,

JAMES HUBERT HALLFORD, M.D.,

Appellant-Intervenor,

—against—

HENRY WADE,

Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

¹ Appellants in No. 70-40 whose names do not appear in the caption are: PETER G. BOURNE; ROBERT HATCHER; LILLAS L. JAMES; JAMES WATERS; CORBETT TURNER; NEWTON LONG; EDWARD LEADER; WILLIAM H. BIGGERS; GEORGE VIOLIN; PATRICIA S. SMITH; JENNIE WILLIAMS; JUDITH BOURNE; SUZANNE DUNAWAY; JOYCE PARKS; LOU ANN IRION; MARY LONG; J. EMMETT HERNDON; SAMUEL L. WILLIAMS; EUGENE PICKETT; RICHARD DEVOR; DONALD DAUGHTRY; JUDITH ZORACH and KAREN WEAVER, residents of the State of Georgia; PLANNED PARENTHOOD ASSOCIATION OF ATLANTA, Inc., a Georgia corporation; and GEORGIA CITIZENS FOR HOSPITAL ABORTION, Inc., a Georgia corporation, for and on the behalf of all persons and organizations similarly situated.

Motion for Leave to File a Brief as *Amici Curiae*

American Ethical Union, American Friends Service Committee, American Humanist Association, American Jewish Congress, Episcopal Diocese of New York, New York State Council of Churches, Union of American Hebrew Congregations, Unitarian Universalist Association, United Church of Christ and The Board of Christian Social Concerns of the United Methodist Church move for leave to file a brief as *Amici Curiae* in support of the Appellants' position. The Appellants consent and the Appellees do not consent to the filing of the proposed brief.

The appeals involve the constitutionality of the abortion laws of the States of Georgia and Texas. The Georgia law limited the class of permitted abortions to those performed because the pregnant woman's life or health is endangered, or the foetus may have a grave defect or the pregnancy resulted from rape. The three-judge Court held the limitations unconstitutional. Under the remaining portions of the statute, abortion at any stage of pregnancy is a crime unless performed on a Georgia resident by a licensed physician "upon his best clinical judgment [in writing] that an abortion is necessary". The physician's judgment must be "concurring in [in writing] by at least two other physicians" and "approved in advance by a committee of the medical staff of the [accredited] hospital in which the operation is to be performed". Injunctive relief was denied and only Appellant Mary Doe was held to have standing.

The Texas law provided that abortion at any stage of pregnancy is a crime unless "procured or attempted by medical advice for the purpose of saving the life of the mother". It was declared unconstitutional by the three-judge Court but injunctive relief was denied. Only Appellant Jane Roe was held to have standing.

Neither statute permits abortion on the ground that the woman does not, or the woman and her husband do not, want a child.

Interest of Amici

The American Ethical Union is a membership corporation formed under the laws of New York. The Union represents 24 Ethical Culture Societies and Fellowships in the United States. The Union was founded to promote religious and philosophical purposes.

The American Friends Service Committee, Inc., is a non-profit corporation chartered under the laws of the State of Delaware. The Committee's purpose and object is to engage in religious, charitable, social, philanthropic and relief work in the United States and in foreign countries on behalf of, and to promote the general purpose of, the several branches and divisions of the Religious Society of Friends in America. A major program of the Committee concerns education about family planning, family living, population and demographic trends.

The American Humanist Association is incorporated as a religious corporation under California law to express a common concern with the dignity and rights of all human beings. The Association represents approximately 3,500 members in the United States.

The American Jewish Congress is a national organization of American Jews having approximately 30,000 members in the United States. The Congress was founded to protect fundamental freedoms of all Americans.

The Episcopal Diocese of New York is the central organization representing 225 Episcopal churches in southern New York State. The churches have approximately 122,000 individual members. The Diocese has resolved that "abortion is a matter of individual conscience to be exercised

within the context of one's own faith and established medical practice".

The New York State Council of Churches is a religious corporation formed under New York law to promote common interests among Protestant churches. The Council represents 5,000 churches of 29 denominations with a total membership of approximately 1,500,000 people. The Council made a public statement of its belief that "abortion is properly a matter of individual conscience to be exercised within the context of one's own faith and established medical practice".

The Union of American Hebrew Congregations is a religious corporation formed under Ohio law. The Union consists of approximately 700 Reform Jewish congregations in the United States with a membership of approximately 1,000,000 people. The Union has publicly stated its opposition to unreasonably restrictive abortion laws.

The Unitarian Universalist Association, a religious corporation incorporated under the laws of the Commonwealth of Massachusetts, represents 1,038 churches and fellowships in the United States and Canada having a membership of approximately 164,000 people. The Association has publicly stated its opposition to criminal abortion laws.

The United Church of Christ represents 7,000 churches in the United States with a membership of approximately 2,000,000 people. The United Church has publicly stated its opposition to criminal abortion laws.

The Board of Christian Social Concerns is an agency of the United Methodist Church. The United Methodist Church consists of 41,000 churches in the United States having a membership of approximately 11,000,000 people. The United Methodist Church has publicly stated its opposition to laws making abortion a crime.

All the *Amici* seek leave to file the attached proposed brief in support of the Appellants' position on the merits in these cases because they oppose legislation that inter-

feres with the liberty of an individual to exercise his or her own conscience in the conduct of his or her personal life, free of unwarranted governmental interference. The *Amici* believe the Georgia and Texas abortion laws interfere with that liberty.

The *Amici* do not advocate abortion. They do advocate the right of an individual to be free from State interference in the conduct of his or her private life. That freedom includes the determination whether or not to have a child. If an individual does not want a child, the *Amici* believe he or she should be free to use means to that end consistent with the woman's health and safety.

The *Amici* believe that the brief attached addresses the merits differently than will Appellants' briefs as evidenced by the outlines in the Jurisdictional Statements. The brief of the *Amici* stresses that the States may not unreasonably interfere with the constitutional right of an individual to determine the course of his or her own life and that the Georgia and Texas abortion laws constitute such an interference. The *Amici* present related issues that Appellants have not discussed in their Jurisdictional Statements—namely that there is no constitutional right of birth and that the States may not justify the abortion laws' interference with the personal liberty of all persons on the ground of moral precepts not shared by all. It is believed that a contribution is made by the brief of the *Amici Curiae* and the Court is respectfully requested to accept and consider it.

Respectfully submitted,

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